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TOWN OF WALPOLE
TOWN CLERK

DECISION – WALPOLE ZONING BOARD OF APPEALS CASE NO. 10-17

APPLICANT
TIMOTHY SPEER & TERESA VANDERBOOM

LOCATION OF PROPERTY INVOLVED
12 Mohawk Circle, Walpole, MA and shown on the Assessors Map 36 and Lot No. 5, Zoning District: RB

APPLICATION
Variance under Section 6-B of the Zoning Bylaw for a front yard setback of 27 ft. instead of 30 ft. to allow for the construction of a front porch.

On May 17, 2017 a Public Hearing was held in the Main Meeting Room of Town Hall for the purpose of receiving information and voting upon a decision as to the granting of a Variance for the relief requested.

The following members were present and voting:

Matthew Zuker, Chairman
Craig W. Hiltz, Clerk
Mary Jane Coffey, Member
Robert Fitzgerald, Associate Member

A motion was made by Mr. Hiltz and seconded by Ms. Coffey to grant a Variance from Section 6-B.1.C. of the Zoning Bylaw to allow for a front setback from 30.0' to 27.0' to allow for the construction of a front porch.

The vote was **4-0-0 in favor** (Zuker, Hiltz, Coffey and Fitzgerald voting); therefore the application for a **Variance** under Section 6-B.1.C. is hereby **granted**, subject to the following conditions:

CONDITIONS

1. The front porch and single family extension are the only structures that will extend into setback as shown on plan.
2. The porch and single family extension shall be constructed as shown on the plans submitted with the Application,
3. There shall be no further relief granted.

REASONS FOR DECISION

It is the finding of the Board that the applicant was able to meet the requirements for the granting of a Variance, as per the following:

1. *Owing to circumstances relating to soil conditions, shape or topography of such parcel or to such structure, and especially affecting generally such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship to the appellant or petitioner.*

The Board finds that the applicant has shown substantial hardship due to topography and shape of the lot. The lot is narrow, with curved frontage and a sloping backyard; therefore, any other means of constructing a porch/expansion would be costly and involve a significant amount of construction.

2. *Desirable relief may be granted without substantial detriment to the public good.*

The Board finds that the proposed front porch/single family extension will not cause a substantial detriment to the public good. The parcel is located at the end of a cul-de-sac, and therefore there is no negative impact to the neighborhood or abutting properties. Furthermore, letters in favor of the proposed project were submitted by the owners of the neighboring properties.

3. *Relief may be granted without nullifying or derogating from the intent or purpose of this bylaw.*

The Board finds that with the above listed conditions, the Variance may be granted without nullifying or derogating from the intent or purpose of this Bylaw.

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

* * * * *

Said Variance is granted pursuant to Massachusetts General Laws c. 40A, s. 10 which provides in pertinent part as follows: "If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty (30) days of the date of application thereof, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section."

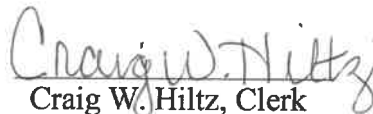
Massachusetts General Laws c. 40A, s. 11. provides in pertinent part as follows:

"...No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has

been filed in the office of the city or town clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant."

MASSACHUSETTS GENERAL LAWS c. 40A, s. 15 PROVIDES THAT APPEALS FROM A DECISION OF A BOARD OF APPEALS SHALL BE MADE PURSUANT TO SECTION 17 OF C. 40A AND SHALL BE FILED WITHIN TWENTY DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.

WALPOLE ZONING BOARD OF APPEALS


Craig W. Hiltz, Clerk

CH/am

cc: Town Clerk	Engineering	Planning Board	Applicant
Board of Selectmen	Building Inspector	Conservation Commission	Abutters

This decision was made on May 17, 2017 and filed with the Town Clerk on May 25, 2017.